IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16145 of 2004

Between:

1 K.Ch. Babu, E-456159, S/o. Papa Rao,
at Gajuwaka Depot, and R/o. Gajuwaka, Visakhapatnam District.
2 M.M. Krishna, E-457900, S/o. Rama Raju,
at Gajuwaka Depot, and R/o. Gajuwaka, Visakhapatnam District.
3 K.N. Murthy, E-456587, S/o. Narsihmulu,
at Gajuwaka Depot, and R/o. Gajuwaka, Visakhapatnam District.
4 K.S.M. Raju, E- 453377, S/o. S.N. Raju,
at Gajuwaka Depot, and R/o. Gajuwaka, Visakhapatnam District.
5 V.Y. Narayana, E-455097, S/o. Tatabbai,
at Gajuwaka Depot, and R/o. Gajuwaka, Visakhapatnam District.
6 G.R. Rao, E-455272, S/o. Subbaraju,
at Gajuwaka Depot, and R/o. Gajuwaka, Visakhapatnam District.
7 G.R. Rao, E-456109, S/o. Raghavalu,
at Gajuwaka Depot, and R/o. Gajuwaka, Visakhapatnam District.
8 P. Rama Rao, E-458108, S/o. P.S. Narayana,
at Gajuwaka Depot, and R/o. Gajuwaka, Visakhapatnam District.
9 B.B. Rao, E-454628, S/o. Rama Rao,
at Gajuwaka Depot, and R/o. Gajuwaka, Visakhapatnam District.
10 R. Kanta Rao, E-454269, S/o. Savara Naidu,
at Gajuwaka Depot, and R/o. Gajuwaka, Visakhapatnam District.
11 K. Hema Rao, E-458114, S/o. Latchanna,
at Gajuwaka Depot, and R/o. Gajuwaka, Visakhapatnam District.
12 D.V.R. Babu, E-453406, S/o. Venkatapathi Raju,
at Gajuwaka Depot, and R/o. Gajuwaka, Visakhapatnam District.
13 T.N. Rao, E- 453412, S/o. Ramanna Dora,
at Gajuwaka Depot, and R/o. Gajuwaka, Visakhapatnam District.
14 M.S.R. Raju, E-455244, S/o. M.R. Raju,
at Gajuwaka Depot, and R/o. Gajuwaka, Visakhapatnam District.
15 B.N. Kantam, E-456081, S/o. Appaiah,
at Gajuwaka Depot, and R/o. Gajuwaka, Visakhapatnam District.

..... PETITIONERS

AND

1 The APSRTC rep by its Managing Director, Musheerabad, Hyderabad.
2 The APSRTC, rep by its Regional Manager, Visakhapatnam Region, Visakhapatnam District.
3 The APSRTC, rep by its Depot Manager, Gajuwaka City Depot, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents herein in not granting the selection grade scale stagnation increments to the petitioners on completion of 12 years service is illegal, unjust and arbitrary, contrary to the circular instructions and consequently set aside the same directing the respondents herein to add the stagnation increment to all the petitioners on completion of 12 years service and to pay the arrears from the date of entitlement of each petitioner in the interest of justice.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondents: SC for APSRTC

The Court made the following :

THE HONOURABLE DR.JUSTICE G.YETHIRAJULU

WRIT PETITION NO.16145 OF 2004

ORDER:

The petitioners are claiming that they are working as drivers and conductors in the respondent Corporation since morethan 12 years, therefore, they are entitled for stagnation increment on completion of 12 years of service as per the Circular No.PD-113/1989, dated 3.6.1989 and also in pursuance of the judgment of Division Bench of this Court in Writ Appeal No.1301 of 2000. Since the respondents did not extend the benefit of stagnation increment to these petitioners, they approached this Court seeking a direction to the respondents to extend the benefit of stagnation

increment.

In the light of the circumstances explained by the petitioners, the respondents are directed to consider the case of the petitioners for extending the benefit of stagnation increment after satisfying that each of them have completed 12 years of service in the same category, by keeping in view the circular dated 3.6.1989 and the Judgment of Division Bench of this Court in Writ Appeal No.1301 of 2000 dated 29.10.2002.

The writ petition is accordingly disposed of. No costs.

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(Dr.G.YETHIRAJULU,J)

Dated: 10.9.2004.

Mdaa.

Copy to:

1 The Managing Director, APSRTC, Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC,Visakhapatnam Region, Visakhapatnam District.
3 The Depot Manager, APSRTC, Gajuwaka City Depot, Visakhapatnam District.

4. Two C.D.copies.